

PUBLIC CHAPTER NO. 18

HOUSE BILL NO. 1057

By Representatives Tindell, DuBois

Substituted for: Senate Bill No. 1304

By Senators Woodson, McNally, Marrero

AN ACT to amend Tennessee Code Annotated, Title 3, Chapter 17, Part 1, relative to charitable gaming.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 3-17-103(a)(1), is amended by adding the following language as a new subdivision (F):

(F) Notwithstanding any provision of this chapter to the contrary, within fifteen (15) calendar days after this act becomes law, for the annual event period beginning July 1, 2007, and ending June 30, 2008.

SECTION 2. Tennessee Code Annotated, Section 3-17-103(a)(3)(B)(i), is amended by deleting "provided, that" and by substituting instead the language "or".

SECTION 3. Tennessee Code Annotated, Section 3-17-103(a)(3), is amended by adding the following language as new subdivision:

(C) Notwithstanding any provision of this chapter to the contrary, a §501(c)(3) organization authorized to conduct an annual event may change the location of the annual event if the location listed on the annual event application is subsequently unavailable during the time in which the annual event was to be conducted and if the following conditions are satisfied:

(i) Written notice is give to the secretary of state, Tennessee bureau of investigation and district attorney for the judicial district in which the annual event is to be conducted stating that the listed location is unavailable, the reason for unavailability, and the new location;

(ii) Sufficient public notice is given by means of posting notice on the organization's website, if any, and by publication in a newspaper of general circulation in the county in which the annual event will be conducted; and

(iii) The new location complies with the provisions of §3-17-103(a)(3)(B)(iii).

SECTION 4. Tennessee Code Annotated, Section 3-17-103(a), is amended by deleting subdivision (6)(B) in its entirety and by substituting instead the following:

(B) A 501(c)(3) organization that fails to return at least twenty-five percent (25%) of gross proceeds from the annual event to the purposes or programs described in § 3-17-104(a)(19) in any year shall file notice with the secretary on a form prescribed by the secretary. If, in the sound discretion of the secretary, the organization was not at fault in failing to return the required percentage, the organization shall be allowed to file an annual event application for the next annual event period; provided, that if an organization fails to return the required percentage in two (2) consecutive annual event periods, the organization shall be permanently disqualified from filing annual event applications. If an organization is not permitted by the secretary to file an event application pursuant to this subsection, the organization may request a review and appeal pursuant to the procedures set forth in §3-17-105(g) and (h).

SECTION 5. Tennessee Code Annotated, Section 3-17-103(a)(6), is amended by adding the following language as new subdivision:

(C) As used in this subdivision (a)(6), gross proceeds shall not include revenue disclosed as the fair market value of any donated prizes, goods and services.

SECTION 6. Tennessee Code Annotated, Section 3-17-103(b), is amended by adding the following language as a new subdivision:

(4) In addition to the omnibus list transferred to the clerk of the senate and the clerk of the house of representatives by March 1, 2005, the secretary shall transfer an additional omnibus list listing any organizations approved pursuant to subdivision (a)(1)(F) and subsection (f) for the annual event period beginning July 1, 2007, and ending June 30, 2008. The list shall be transferred in a manner consistent with (b)(1) by twelve o'clock (12:00) noon central daylight time (CDT) within thirty (30) calendar days after this act becomes law.

SECTION 7. Tennessee Code Annotated, Section 3-17-103(d)(1), is amended by deleting subdivision (A) in its entirety and by substituting instead the following:

(A) An authorized annual event shall be held within twenty-eight (28) calendar days of the event date listed in the annual event application; provided, that nothing in this subdivision (d)(1) shall be construed as allowing two (2) annual events in any one-year period or as allowing a §501(c)(3) organization to operate an annual event at authorized multiple locations on separate days.

SECTION 8. Tennessee Code Annotated, Section 3-17-103(f), is amended by deleting subdivision (1)(C) in its entirety and by substituting instead the following:

(C) Within fifteen (15) calendar days after this act becomes law, for the annual event period beginning July 1, 2007, and ending June 30, 2008; and

(D) By December 31, 2007, and by December 31 in subsequent years, for subsequent annual event periods.

SECTION 9. Tennessee Code Annotated, Section 3-17-104(a), is amended by deleting subdivision (7) in its entirety.

SECTION 10. Tennessee Code Annotated, Section 3-17-104(c)(2), is amended by deleting the word "Fees" and by substituting instead the word "Funds".

SECTION 11. Tennessee Code Annotated, Section 3-17-106, is amended by deleting subsection (a) in its entirety and by substituting instead the following language:

(a) An organization authorized by the general assembly to operate an annual event shall file, within ninety (90) calendar days following the actual event date, a financial accounting with the secretary in accordance with the provisions of this section.

SECTION 12. Tennessee Code Annotated, Section 3-17-106(c), is amended by deleting the language "more than thirty thousand dollars (\$30,000)," and by substituting instead the language "more than fifty thousand dollars (\$50,000),"

SECTION 13. Tennessee Code Annotated, Section 3-17-111, is amended by deleting the section in its entirety and substituting the following:

Section 3-17-111. Any person who is convicted of a violation of §§ 39-16-702 or 39-16-703, or title 39, chapter 17, parts 5 and 6 shall be permanently disqualified from submitting an annual event application.

SECTION 14. Tennessee Code Annotated, Section 3-17-113, is amended by deleting the first sentence of subsection (a) in its entirety and substituting the following:

The secretary may publicly or privately investigate, as the secretary of state deems necessary, any person or organization that the secretary has reason to believe has violated any provision of this chapter.

SECTION 15. Tennessee Code Annotated, Section 3-17-104(a)(12)(B), is amended by deleting the first sentence in its entirety and by substituting instead the following:

If a 501(c)(3) organization's by-laws do not authorize such action by an executive committee, such minutes shall reflect approval by the number of board members required by the charter and bylaws to take action under §48-58-205 to operate such annual event.

SECTION 16. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 2, 2007


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


RON RAMSEY, SPEAKER
SENATE OF THE SENATE

APPROVED this 11th day of April 2007


PHIL BREDESEN, GOVERNOR